

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LUCIANO DE SOUZA,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security, et al.,

Defendants.

Civil Action No. 05-1047-MEL

**ASSENTED TO MOTION OF DEFENDANTS
FOR ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT**

Defendants respectfully request an extension of 15 days, until and through July 20, 2005, to respond to Plaintiff's Complaint. Good cause exists for this request. Counsel for the Defendants is in the process of conferring with the Department of Homeland Security (DHS) to determine the status of the Plaintiff's Application for Adjustment of Status and to obtain relevant records pertaining to Plaintiff's Application. Counsel for the Defendants estimates that this process will be completed within the next several weeks at which time an informed response can be provided. Plaintiff's counsel has previously assented to an enlargement of time to respond to Plaintiff's Complaint.

This Motion is made in good faith and is not made to delay the action, or for any other improper purpose. Therefore, the Defendants respectfully request that the Court grant this Motion and approve the proposed enlargement of time to respond up to and including July 20, 2005.

Respectfully submitted,

UNITED STATES OF AMERICA

MICHAEL J. SULLIVAN
United States Attorney

By: _____

Anton P. Giedt
Assistant U.S. Attorneys
1 Courthouse Way
Boston, MA 02210
617-748-3309 (Voice)
617-748-3967 (Fax)
anton.giedt@usdoj.gov

LOCAL RULE 7.1(A)(2) CERTIFICATION

Undersigned counsel certifies that pursuant to the requirements under Local Rule 7.1(A)(2), he has conferred with Plaintiff's counsel on this motion.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
DATE: July 5, 2005

I, Anton P. Giedt, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing upon the Plaintiff's counsel of record through electronic filing and by first class mail.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney

PLAINTIFFS' COUNSEL:

Susan E. Zak
180 Canal Street, 4th Floor
P.O. Box 8788
Boston, MA 02114
617-723-4422 (Voice)
617-723-8305 (Fax)
szak@johnkdvorak.com

